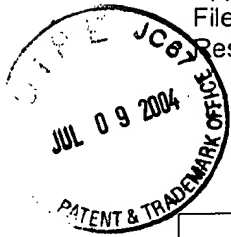


07-12-04

3762

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Application No. 09/921,066
Filed 8/2/2001
Response of 7/9/2004



Application No.	09/921,066
Applicant	Foster, Thomas H.
Filed	8/2/2001
Title	MRI-Compatible Implantable Device
TC/A.U.	3762
Examiner	Evanisko, George Robert
Docket No.	PRC-4 (170)

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In reply to the Notice of Allowance of May 20, 2004, please find the
response as follows:

Remarks/Arguments begin on page 2 of this paper.

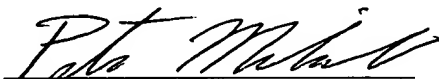
REMARKS

On May 20, 2004, our office was pleased to receive a Notice of Allowance for the subject application. In preparation for issuance, a review of the prosecution history was conducted. During this review, applicants' agent noted that an Information Disclosure Statement (IDS) was submitted on November 4, 2002. From the record, it was unclear if the references cited in this IDS were considered by the Examiner.

Enclosed, please find a copy of the IDS that was submitted on November 4, 2002. Included in this submission is a photocopy of the return postcard which was stamped by the Patent and Trademark Office on November 6, 2002. Also included are copies of the non-patent references (#273 to #320) cited in the IDS.

Applicants respectfully request that these references be considered and an initialed IDS form be made part of the record. If the Examiner has any questions or comments concerning the re-submission of this IDS, he is invited to contact applicants' agent.

Respectfully submitted,
Howard J. Greenwald P.C.

By 

Peter J. Mikesell
Reg. No. 54,311
Telephone (585) 387-0285
Fax (585) 387-0288



GREENWALD & BASCH LLP

Practice concentrated in Intellectual Property Law

349 WEST COMMERCIAL STREET, SUITE 2490
EAST ROCHESTER, NY 14445-2408

Telephone (585) 387-0280

Facsimile (585) 387-0288

HOWARD J. GREENWALD

DUANE C. BASCH

JUL 09 2004

November 7, 2002

Subject:

Information Disclosure Statement

Application:

Group Art Unit: 3738
U.S.S.N.: 09/921,066
Filing Date: August 2, 2001
Attorney Docket: PRC-4

Enclosures:

Information Disclosure Statement Patent Documents
Information Disclosure Statement Non-Patent Literature
Copies of References
Transmittal Form
Transmittal of IDS
Return Postcard

FedEx Label #: 8361 86395076

JUL 09 2004

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/921,066
Filing Date	August 2, 2001
First Named Inventor	Thomas Foster
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	PRC-4

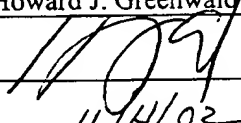
Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
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<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
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<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address
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<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
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Transmittal Form
Transmittal of Information Disclosure Statement
Certificate of Mailing
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Greenwald & Basch LLP By: Howard J. Greenwald
Signature	
Date	11/4/02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

Application No.: 09/921,066

Group No.: 3738

Confirmation No: 7986

Filed: August 2, 2001

Examiner:

For: MRI-Resistant Implantable Device

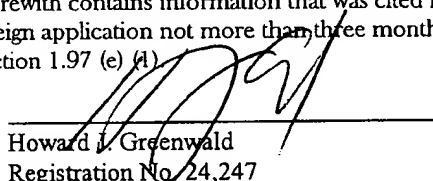
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Washington, D.C. 20231TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. section 1.97(b))IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

1) The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

or

2) The Information Disclosure Statement submitted herewith contains information that was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. 37 C.F.R. section 1.97 (e) (1)

Date: 11/4/02


Howard J. Greenwald
Registration No. 24,247
Greenwald & Basch LLP
Suite 2490
349 West Commercial Street
East Rochester, NY 14445
US
585-387-0280
Customer No. 27157

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action—page 1 of 1)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT



Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

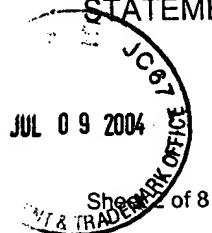
Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	1	3057356	10-09-1962	W. Greatbatch
	2	3478746	11-18-1969	Greatbatch
	3	3508167	04-21-1970	R.B. Russell, Jr.
	4	3669095	06-13-1972	Kobayashi et al
	5	3686958	08-29-1972	Porter et al.
	6	3718142	02-27-1973	Mulier
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	8	3825015	07-23-1974	Berkovits
	9	4012641	03-15-1977	Brickerd, Jr. et al.
	10	4041954	08-16-1977	Ohara
	11	4050004	09-20-1977	Greatbatch
	12	4071032	01-31-1978	Schulman
	13	4091818	05-30-1978	Brownlee et al.
	14	4200110	04-29-1980	Peterson et al.
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	16	4254776	03-10-1981	Tanie et al.
	17	4325382	04-20-1982	Miodownik
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	19	4341221	09-27-1982	Testerman
	20	4379262	04-05-1983	Young
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	30	4719159	01-12-1988	Clark et al.
	31	4727874	03-01-1988	Bowers et al.
	32	4763075	08-09-1988	Weigert
	33	4784461	11-15-1988	Abe et al.
	34	4798443	01-17-1989	Knipe et al.

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INFORMATION DISCLOSURE
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Application Number 09/921,066
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US PATENT DOCUMENTS

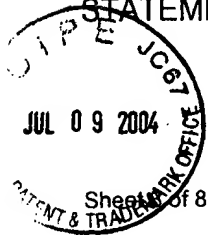
Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	35	4800883	07-31-1989	Winstrom
	36	4804244	02-14-1989	Hasegawa et al.
	37	4827906	05-09-1989	Robicsek et al.
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	42	4903701	02-27-1990	Moore et al.
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	46	4987897	01-29-1991	Funke
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	56	5158932	10-27-1992	Hinshaw et al.
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	64	5265602	11-30-1993	Anderson et al.
	65	5267564	12-07-1993	Barcel et al.
	66	5324310	06-28-1994	Greeninger et al.
	67	5330512	07-19-1994	Hauck et al.
	68	5348010	09-20-1994	Schnall et al.
	69	5354220	10-11-1994	Ganguly et al.

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INFORMATION DISCLOSURE
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Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	70	5370668	12-06-1994	Shelton
	71	5387229	02-07-1995	Poore
	72	5387232	02-07-1995	Trailer
	73	5402070	03-28-1995	Shelton et al.
	74	5410413	04-25-1995	Sela
	75	5415653	05-16-1995	Wardle et al.
	76	5425373	06-20-1995	Causey, III
	77	5435308	07-25-1995	Gallup et al.
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	79	5438987	08-08-1995	Thacker et al.
	80	5445151	08-29-1995	Darrow et al.
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	85	5520190	05-28-1996	Benedict et al.
	86	5523534	06-04-1996	Meister et al.
	87	5569158	10-29-1996	Suzuki et al.
	88	5570671	11-05-1996	Hickey
	89	5574811	11-12-1996	Bricheno et al.
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	100	5631988	05-20-1997	Swirhun et al.
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	103	5653735	08-05-1997	Chen at el.
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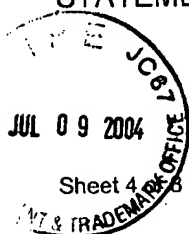
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INFORMATION DISCLOSURE
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Application Number 09/921,066
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First Named Inventor Thomas Foster
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Attorney Docket Number PRC-4



US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	105	5658966	08-19-1997	Tsukamoto et al.
	106	5679026	10-21-1997	Fain et al.
	107	5683435	11-04-1997	Truex et al.
	108	5697958	12-16-1997	Paul et al.
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	114	5738105	04-14-1998	Kroll
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	119	5759197	06-02-1998	Sawchuk et al.
	120	5761354	06-02-1998	Kuwano et al.
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	124	5776167	07-07-1998	Levine et al.
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	127	5782880	07-21-1998	Lahtinen et al.
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	137	5827195	10-27-1998	Lander
	138	5827997	10-27-1998	Chung et al.
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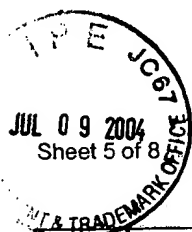
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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4



US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	140	5836895	11-17-1998	Ramsey, III
	141	5861012	01-19-1990	Stroebel
	142	5865839	02-02-1999	Doorish
	143	5867361	02-02-1999	Wolf et al.
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	145	5869412	02-09-1999	Yenni, Jr. et al.
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	159	5917625	06-29-1999	Ogusu et al.
	160	5919135	07-06-1999	Lemelson
	161	5928145	07-27-1999	Ocali et al.
	162	5928270	07-27-1999	Ramsey, III
	163	5928570	07-27-1999	Reo
	164	5940554	08-17-1999	Chang et al.
	165	5946086	08-31-1999	Bruce
	166	5951596	09-14-1999	Bellinger
	167	5954660	09-21-1999	Legay et al.
	168	5957857	09-28-1999	Hartley
	169	5963034	10-05-1999	Mahapatra et al.
	170	5963690	10-05-1999	Cheng
	171	5967977	10-19-1999	Mullis et al.
	172	5973779	10-26-1999	Ansari et al.
	173	5973906	10-26-1999	Stevenson et al.
	174	5978710	11-02-1999	Prutchi et al.

Examiner
Signature

Date
Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form in next communication to applicant.

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT



Sheet 6 of 8

Application Number 09/921,066
Filing Date August 2, 2001
First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Publication Date	Name of Patentee or Applicant of Cited Documents
	175	5982961	11-09-1999	Pan et al.
	176	5985129	11-16-1999	Gough et al.
	177	5987995	11-23-1999	Sawatari et al.
	178	5999853	12-07-1999	Stoop et al.
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	181	6011994	01-04-2000	Kronberg
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	183	6016448	01-18-2000	Busacker et al.
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	185	6023641	02-28-2000	Thompson
	186	6024738	02-15-2000	Daikuzono et al.
	187	6026316	02-15-2000	Kucharczyk
	188	6029086	02-22-2000	Kim et al.
	189	6029087	02-22-2000	Wohlgemuth
	190	6031710	02-29-2000	Wolf et al.
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	194	6052613	04-18-2000	Takaki
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	206	6090728	07-18-2000	Yenni, Jr. et al.
	207	6091015	07-18-2000	delValle et al.
	208	6091744	07-18-2000	Sorin et al.
	209	6091987	07-18-2000	Thompson

Examiner
Signature

Date
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INFORMATION DISCLOSURE
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JUL 09 2004

Sheet 1 of 8

Application Number 09/921,066
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Examiner Name
Attorney Docket Number PRC-4

US PATENT DOCUMENTS

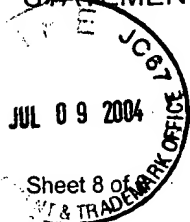
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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT



Application Number 09/921,066
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First Named Inventor Thomas Foster
Art Unit 3738
Examiner Name
Attorney Docket Number PRC-4

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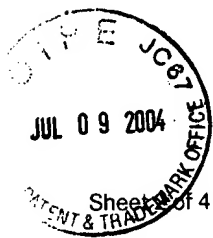
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First Named Inventor Thomas Foster
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First Named Inventor Thomas Foster
Group Art Unit 3738
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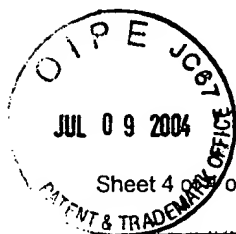
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Group Art Unit 3738
Examiner Name
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USPTO Acknowledgment Postcard

Serial: 09/921,066

Filing Date: August 2, 2001

Docket: PRC-4

Inventor:

Title: MRI-Resistant Implantable Device

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Application Number	09/921,066
Filing Date	8/2/2001
First Inventor	Foster, Thomas H.
Examiner Name	Evanisko, George Robert
Art Unit	3762
Docket Number	PRC-4 (170)
Express Mail Label	EV 457055016 US

DATE OF DEPOSIT: 7/9/2004

EV457055016US

TITLE OF CASE:

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